

REMARKS

Claims 8, 13-20 and 23-25 are pending, with claims 14-19 and 24-25 withdrawn from consideration. In this regard, Applicants note that the withdrawn claims are not indicated on the Office Action Summary page.


Applicants respectfully traverse the rejections of claims 8, 13, 20 and 23 under §103 as unpatentable over Dienhart et al or Binello et al in view of modifications based on Haussmann. The rejections are believed to be based upon an improper modification of the base references by Haussmann because the suggestion required to establish a prima facie case under §103 is not present in the rejections. Specifically, the Office Action proposes to modify the serpentine fins of Dienhart et al and Binello based upon the teachings Haussmann which is directed towards plate fins. It is respectfully submitted that one skilled in the art would not look to the teachings of Haussmann with respect to plate fins. In this regard, there is nothing in Haussmann or the other cited references to indicate that its teachings could be appropriately or desirably applied to serpentine fins. The discussion at page 5 of the Office Action labelled "Response To Arguments" states that Martins et al and Stoyloff et al "provide evidence that a serpentine fin with a plurality of slots and tabs formed without the removal of fin material is well known in the art." However, Applicants do not believe it would be appropriate to make a hypothetical argument against these references without first seeing the references cited in a §103 rejection together with

the rationale required under §103 to establish a prima facie case of obviousness for any modification that is based on Martins et al and Stoyhoff.

In view of the foregoing, Applicants respectfully request reconsideration of the rejection of claims 8, 13, 20 and 23 and allowance of the case.

Respectfully submitted,

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